

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1646

IN THE MATTER OF:

Application of BANNISTER CAR RENTAL)	Served February 2, 1977
& CHAUFFEUR SERVICE, INC., for a)	
Certificate of Public Convenience)	Application No. 936
and Necessity to Perform Special)	
Operations - Wolf Trap Park)	
)	
Application of BANNISTER'S, INC.,)	
for a Certificate of Public)	
Convenience and Necessity to Perform)	Application No. 942
Charter Operations Pursuant to)	
Contract - Kennedy Center)	
)	
Application of BANNISTER ENTERPRISES,)	
INC., for a Certificate of Public)	Application No. 944
Convenience and Necessity to Perform)	
Charter Operations Pursuant to)	Consolidated Docket No. 327
Contract - Amtrak)	

Each of the above-named applicants seeks a certificate of public convenience and necessity pursuant to the Compact, Title II, Article XII, Section 4(b) to transport passengers, over irregular routes, from and to specified points in the Metropolitan District as set forth in Order Nos. 1556 and 1561, served May 20, 1976 and May 28, 1976, respectively. The rates to be charged for the proposed operations are also described in said orders, and the orders are hereby incorporated by reference herein. All three applications are uncontested.

PRELIMINARY MOTION

By petition filed January 17, 1977, Ernest H. Bannister, the president of each corporate applicant, asks the Commission to substitute Bannister Enterprises, Inc., as the applicant in lieu of Bannister Car Rental & Chauffeur Service, Inc., and Bannister's, Inc., in Application Nos. 936 and 942, respectively. Bannister Car Rental has never been a chartered corporation, and has been described in the record as a division of Bannister's, Inc. All operations, assets and liabilities of the latter firm have been assumed by Bannister Enterprises, Inc.

Bannister Enterprises, Inc., currently holds Certificate of Public Convenience and Necessity No. 32, issued April 1, 1976. Certification of an entity under common control with Bannister Enterprises, Inc., would require approval by the Commission pursuant to Title II, Article XII, Section 12 of the Compact, and it is the necessity for such approval which Mr. Bannister apparently seeks to obviate by the instant petition. Inasmuch as the proposed separation of Bannister's operations appears to have been merely a matter of accounting convenience and substitution of applicants will not require additional hearings or generate any adverse effect on the parties or the public, Bannister Enterprises, Inc., hereinafter applicant or Bannister's, will be substituted as the applicant in Application Nos. 936 and 942.

THE PERTINENT FACTS

Generally, applicant proposes three separate operations. In Application No. 936, it would provide a shuttle service between Wolf Trap Farm Park for the Performing Arts, near Vienna, Va., on the one hand, and, on the other, specified points on three routes traversing the District of Columbia. 1/ Service would be provided through an advance reservation system for all regular performances at Wolf Trap, and applicant would use motor coaches, mini-buses, limousines or sedans (at varying rates), depending on the number of reservations received. At least three vehicles, one per route, would be involved in each run. Applicant has provided this service in the past under temporary authority, and characterizes public response as tremendous. Self-transportation in private automobiles is said to be highly unsatisfactory because of parking and egress problems, and no other scheduled public transportation is apparently available. Schedules are arranged to arrive at Wolf Trap approximately 20 minutes prior to performances and depart as soon as possible after a final curtain.

In Application No. 942 Bannister's proposes a shuttle between the Columbia Plaza Garage, 2400 Virginia Avenue, N. W., and the John F. Kennedy Center for the Performing Arts, pursuant to a contract with Kennedy Center. Both points are located in the District of Columbia. Service would be performed on those occasions when patronage at Kennedy Center exceeds that facility's parking capacity. Patrons would then be directed to park at the Columbia Garage and Bannister's would bus them back to Kennedy Center, then return patrons to the garage after a performance. Kennedy Center pays a flat fee of \$45 for the first bus and \$20 for each additional bus, and there is no charge made to patrons of Kennedy Center. Applicant stands ready to provide this service seven nights a week, as needed, but no service would be available for afternoon or matinee performances.

1/ Applicant originally proposed to serve Alexandria, Va., but has chosen not to pursue that aspect of the application due to lack of public support for such operations. Accordingly, this part of Application No. 936 shall be denied without further discussion.

In Application No. 944, applicant seeks authority to provide a shuttle service between the Colonial Parking Garage, 400 North Capitol Street, N. W., Washington, D. C., and the facilities of Amtrak at or near Union Station, Washington, D. C. Such service is said to be necessitated by a lack of public parking facilities at Union Station and the burden on Amtrak passengers who would otherwise be required to hand-carry their baggage for several blocks. Bannister has been performing such service under temporary authority. Service is available 22 hours a day, with schedules arranged to correspond to Amtrak arrivals and departures. Amtrak pays a flat fee for the first scheduled vehicle, and can request additional equipment at an additional hourly charge. Passengers do not pay for the service.

Applicant has prepared income and expense projections based on its past experience with the above-described operations. Pertinent data are shown in the following chart.

	INCOME	EXPENSES	NET	OPERATING RATIO
Wolf Trap	\$19,425	\$ 9,710	\$ 9,715	.50
Kennedy Center	16,425	12,868	3,557	.78
Amtrak	50,432	45,753	4,679	.91
TOTALS	\$86,282	\$72,556 <u>2/</u>	\$13,727 <u>2/</u>	.84 <u>2/</u>

The balance sheet for Bannister Enterprises, Inc., as of December 31, 1975, shows a net worth of \$68,229. Evidence was also presented as to the equipment to be used in each operation, and the maintenance arrangements for such equipment.

DISCUSSION AND CONCLUSIONS

The Compact, Title II, Article XII, Section 4(b) provides that "... the Commission shall issue a certificate to any qualified applicant therefor, authorizing the whole or any part of the transportation covered by the application, if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise such application shall be denied." The Commission finds that the statutory criteria have been met and that each application, except as noted in footnote 1, should be granted.

Applicant has demonstrated a clear public need for each of the proposed services. Operations performed under temporary authority were apparently well received, and there appear to be no adequate

2/ Adjusted for office expenses in the amount of \$4,225 not shown in individual projections.

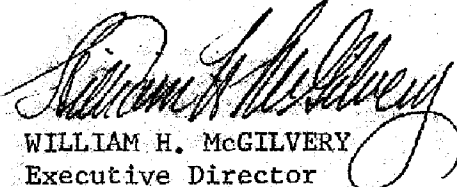
alternative services available. Furthermore, applicant has presented evidence showing that it is fit, financially and otherwise, properly to perform the services authorized.

The Compact also requires each carrier to "... file with the Commission, and keep open to public inspection, tariffs showing (1) all fares it charges for transportation subject to this Act, ... and (2) to the extent required by the regulations of the Commission, the regulations and practices of such carrier affecting such fares." See Compact, Title II, Article XII, Section 5(a), and Commission Regulation 55 thereunder. In addition Regulation 56-03 requires every carrier operating pursuant to a contract or contracts to maintain on file with the Commission duplicate copies thereof. Applicant will be required to file an appropriate tariff and copies of its contracts with Kennedy Center and Amtrak.

THEREFORE, IT IS ORDERED:

1. That Bannister Enterprises, Inc., be, and it is hereby, substituted as the applicant in lieu of Bannister Car Rental and Chauffeur Service, Inc., and Bannister, Inc., in Application Nos. 936 and 942, respectively.
2. That Application No. 936 of Bannister Enterprises, Inc., be, and it is hereby, granted in part and denied in part as specified hereinabove.
3. That Application Nos. 942 and 944 of Bannister Enterprises, Inc., be, and they are hereby, granted.
4. That Certificate of Public Convenience and Necessity No. 32 of Bannister Enterprises, Inc., be, and it is hereby, amended and reissued as attached hereto and made a part hereof, and that prior Certificate of Public Convenience and Necessity No. 32, issued April 1, 1976, be, and it is hereby, cancelled.
5. That Bannister Enterprises, Inc., be, and it is hereby, directed to file two copies of its WMATC Tariff No. 2 in accordance with the authority granted herein, such tariff to be effective upon acceptance by the Executive Director.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 32 *

BANNISTER ENTERPRISES, INC.

WASHINGTON, D. C.

By Order No. 1646 of the Washington Metropolitan Area Transit Commission issued February 2, 1977;

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order No. 1646;

THEREFORE, IT IS ORDERED that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder thereof to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter, be attached to the exercise of the privilege granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

IRREGULAR ROUTE:

A. SPECIAL OPERATIONS transporting persons to and from scheduled performances at Wolf Trap Park for the Performing Arts near Vienna, Va.:

- (1) From Mayflower Hotel, Connecticut Avenue and L Street, N. W.; Washington Hilton Hotel, Connecticut Avenue and California Avenue, N. W.; junction Connecticut Avenue and Calvert Street, N. W.; junction Connecticut Avenue and Porter Street, N. W.; and 5701 Connecticut Avenue, N. W.; all in the District of Columbia, and return.
- (2) From 4200 Cathedral Avenue, N. W.; Alban Towers, Cathedral Avenue and Massachusetts Avenue, N. W.; junction Wisconsin Avenue and Q Street, N. W.;

and Golden Table Restaurant, 528-23rd Street, N. W.; all in the District of Columbia, and return.

- (3) From Hyatt Regency Hotel and Quality Inn Capitol Hill, New Jersey Avenue, N. W.; L'Enfant Plaza Hotel, L'Enfant Plaza Center, S. W.; Washington Hotel, 15th Street and Pennsylvania Avenue, N. W.; and Golden Table Restaurant, 528-23rd Street, N. W.; all in the District of Columbia, and return.

RESTRICTION: The authority granted in A. above shall not be construed as conferring more than a single operating right.

- B. CHARTER OPERATIONS PURSUANT TO CONTRACT to transport persons designated by John F. Kennedy Center for the Performing Arts, between Columbia Plaza Garage, 2400 Virginia Avenue, N. W., Washington, D. C., and John F. Kennedy Center for the Performing Arts, 2700 F Street, N. W., Washington, D. C.

RESTRICTION: The authority granted in B. above shall be operated only pursuant to a continuing contract or contracts between Bannister Enterprises, Inc., and John F. Kennedy Center for the Performing Arts.

- C. CHARTER OPERATIONS PURSUANT TO CONTRACT to transport persons designated by Amtrak, and their baggage in the same vehicles with passengers, between Colonial Parking Garage, 400 North Capitol Street, N. W., Washington, D. C., and the facilities of Amtrak at or near Union Station, Washington, D. C.

RESTRICTION: The authority granted in C. above shall be operated only pursuant to a continuing contract or contracts between Bannister Enterprises, Inc., and Amtrak.

- D. CHARTER OPERATIONS PURSUANT TO CONTRACT to perform transportation of persons designated by agencies of the District of Columbia Government between points within the Metropolitan District.

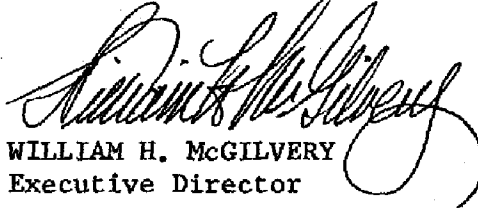
RESTRICTION: The authority granted in D. above shall be operated only pursuant to a continuing contract or contracts between Bannister Enterprises, Inc., and the District of Columbia Government.

IT IS FURTHER ORDERED that the charter operations pursuant to contract authorized by this certificate of public convenience and necessity shall be limited to the performance of service pursuant to a continuing contract or contracts between the above-specified persons, provided, however, that written notice must be filed by the carrier with the Commission within five (5) days of any cancellation

or termination of any of the aforementioned agreements, and further provided that any change in or amendment to any of the aforementioned agreements shall be filed with the Commission for approval at least fifteen (15) days prior to the proposed effective date of such change or amendment, and further provided that any change or amendment to any of the aforementioned agreements which would involve new authority shall be subject to the provisions of the Washington Metropolitan Area Transit Regulation Compact and the Rules and Regulations of the Commission.

AND IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of the certificate.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director

* The operating authority granted by this Certificate embraces and supersedes the operating authority previously set forth in Certificate of Public Convenience and Necessity No. 32 issued April 1, 1976.